

REMARKS

Claims 1-12, 14 and 16-21 are pending. Claims 5, 6, 10, 12 and 19 have been amended. Claims 13 and 15 have been cancelled without prejudice. New drawing sheets are submitted herewith that reflect the changes required in the Office Action. Claims 1, 10, 12 and 16 are the only independent claims.

The Examiner is requested to initial and return the PTO/SB/08 form that was included with the Information Disclosure Statement dated July 26, 2005. For the convenience of the Examiner, a duplicate copy of that form is submitted herewith.

Claim 15 was rejected under 35 U.S.C. § 112, first paragraph, for lack of enabling disclosure, and the specification was objected to on the same ground. In particular, the position was taken that the specification contains no enabling disclosure for the feature of claim 15 that the determination whether the new ring is identical to, crosses, or is adjacent to said existing ring is made in terms of wavelength. Without conceding the propriety of this rejection, claim 15 has been cancelled, obviating the rejection.

Claims 10-15 and 18-19 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The cancellation of claims 13 and 15 renders their rejection moot.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in the Office Action. However, the Applicants do not accept the Examiner's position that the terms "new" and "identical" are unclear as recited. When the claims are read after having read the specification, and when these words are read in the context in which they are recited, their meaning is clear. The Examiner is directed, for example, to the specification at page 11, line 23 through page 12, line 15, which explains what is meant by a new network and whether the new network is identical to an existing

network. It is clear from the context that there is no contradiction between these terms, as defined in the specification. Simply obtaining particular definitions of terms and pointing out that those definitions might, in some context, be confusing is not enough to support a rejection under Section 112, when reference to the specification makes clear that the terms are not contradictory or confusing.

It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1 and 9 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,744,769 (Siu et al.). Claims 2-7, 10, 16-17, and 20 were rejected under 35 U.S.C. § 103 as obvious from Siu et al. in view of U.S. Patent 5,815,490 (Lu). Claims 8 and 21 were rejected under 35 U.S.C. § 103 as obvious from Siu et al. in view of Ramamurthy et al.

Claim 1 is directed to a ring configuration method in a mesh network consisting of a plurality of nodes, each of the nodes having a cross-connecting function, wherein a ring network (referred to as "a ring") comprising a working path and a stand-by path is configured dynamically in response to a request for setting the working path.

In accordance with claim 1, a ring that includes both a working path and a stand-by path is configured dynamically in response to a request for setting a working path.

The Office Action took the position that this feature is taught in Siu et al. at Figure 12. When Figure 12 is understood in conjunction with the corresponding description in the specification, it is clear that it illustrates a window that permits a designer to design a network based on certain desire criteria.

However, there is no teaching or suggestion in the portions of Siu et al. relating to Figure 12 of dynamically configuring a working path and a stand-by in response to a request

for setting the working path. If the Examiner is to maintain this rejection, it is requested that the Examiner correlate some teaching in the specification of Siu et al. with each and every feature of claim 1. Applicant has found no teaching of these features in Siu et al.

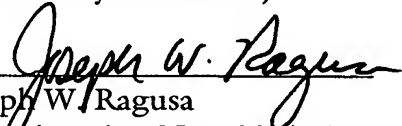
Each of other independent claims recites a substantially similar feature and is believed to distinguish over Siu et al. for at least the same reasons. The other references do not remedy the above-mentioned deficiency of Siu et al. as a reference against the independent claims.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: November 8, 2005

Respectfully submitted,

By 
Joseph W. Ragusa
Registration No.: 38,586
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

AMENDMENTS TO THE DRAWINGS

Please substitute the set of corrected formal drawing sheets, including, where necessary, replacement and annotated sheets, submitted herewith for the originally filed drawings sheets.



FIG. 17C
PRIOR ART

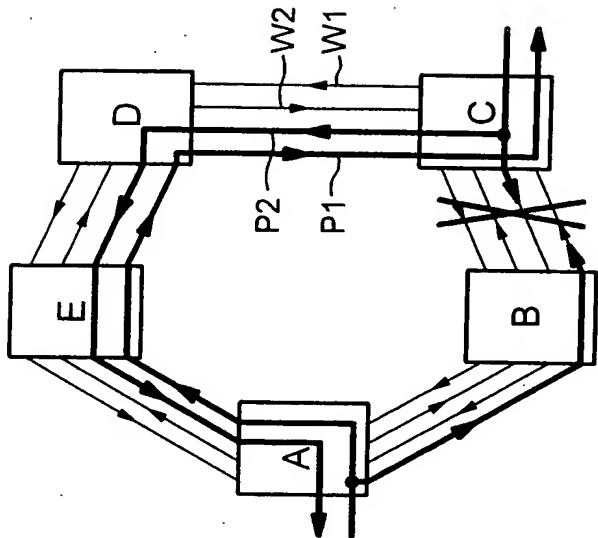


FIG. 17B
PRIOR ART

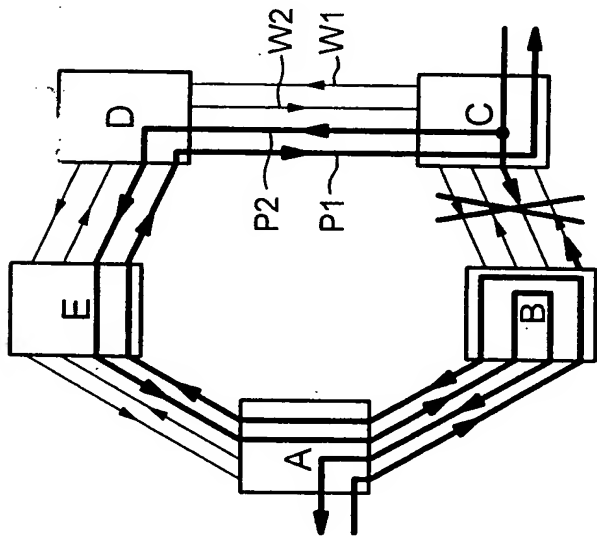


FIG. 17A
PRIOR ART

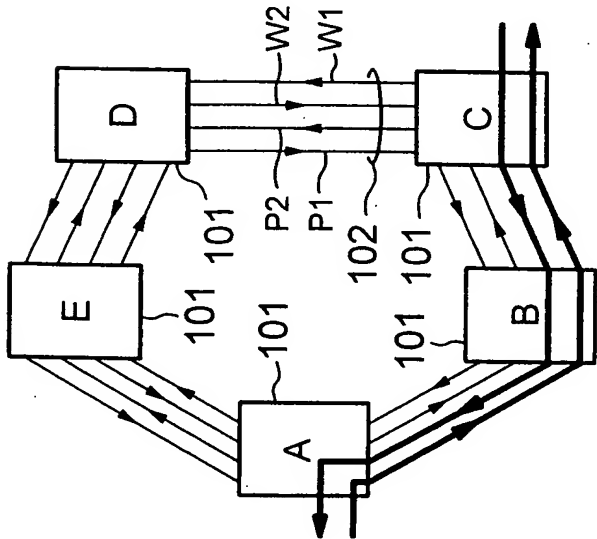




FIG. 18
PRIOR ART

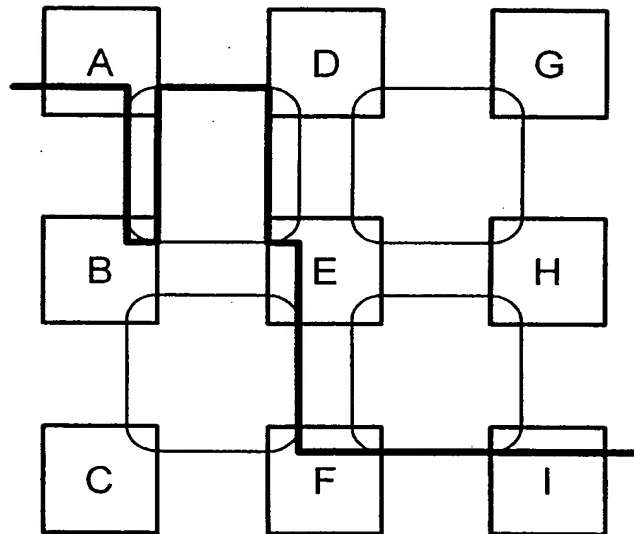




FIG. 19
PRIOR ART

